

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES ERIC LOFTEN
TDCJ-CID #616132

VS.

RICK PERRY, ET AL.

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C.A. NO. C-05-576

ORDER DENYING AS MOOT PENDING MOTION

Plaintiff filed this action on October 13, 2005, in the United States District Court for the Northern District of California. (D.E. 1). By order entered November 15, 2005, the action was transferred here. (D.E. 4). On January 26, 2006, plaintiff filed a motion requesting copies of his original pleading and objecting to the transfer of this case. (D.E. 11). On January 27, 2006, it was recommended that plaintiff's action be construed as a civil rights complaint and dismissed pursuant to 28 U.S.C. § 1915(g), because plaintiff is a three-strikes litigant and he did not allege imminent danger. (D.E. 10). On February 13, 2006, plaintiff filed a motion to exclude the recommendation. (D.E. 14). On February 28, 2006, the Court adopted the recommendation over plaintiff's objection and entered final judgment dismissing this action as frivolous and for failure to state a claim. (D.E. 15, 16). Accordingly, plaintiff's motion for copies and objecting to the transfer of this case (D.E. 11), is denied as moot.

Ordered this 16th day of March 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE